

**RECEIVED
CENTRAL FAX CENTER**Application No. 10/812,294
Amendment dated October 30, 2006
Reply to Office Action of June 30, 2006

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OCT 30 2006

Docket No.: 20028-7002

REMARKS

The undersigned has canceled the claims directed to the withdrawn claims and added a new set of claims 58-76, therefore claims 1-20, 30-39, and 58-76 are pending. The rejection asserts a double patenting rejection and a rejection of certain claims as being unpatentable under 35 U.S.C. Section 103(a) as being unpatentable over Dillon, Jr. et al. (DILLON).

The undersigned does not identify the specific claims as referenced in the rejection because it appears that the wrong claims have been examined (or at least referenced) in this Rejection. The Office Action Summary refers to claims 1-66 being pending and the language of the substantive rejection uses language from co-pending application 10/811,782 in the substantive rejection (e.g., a modulator, light sources and the like). The undersigned is unable to substantively respond to the rejection; and therefore requests withdrawal of the rejection and action on the merits of the present claims.

The undersigned suspects that the rejection uses the claims from the co-pending application used as the basis of the obviousness-type double patenting rejection (US App. No. 10/811,782) and therefore suspects some confusion exists as to some of the distinctions in similar subject matter.

The present application, 10/812,294 claims a transport; the 10/811,782 application claims a transport and other elements providing a modulator; and US Application 10/812,295 application claims a set of modulators providing a display. Each of these applications are respectfully asserted to define patentability distinct inventions over the other, as additional comments and detail. In the interests of expediting prosecution of the present application, the following comments are made in relation to the DILLON reference (even though not expressly applied in the present case and the undersigned is unsure how DILLON would be applied if it were used in rejecting any of the pending claims).

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DILLON teaches a special construction for an optical isolator used for IR radiation, such as employed in telecommunications applications. DILLON does not variably rotate a polarization, has no mechanism for dynamically modulating or changing a rotation of a propagating wave. All optical isolators like DILLON provide a construction for a fixed polarization rotation of 90 degrees when a reflected signal is returned to a source. By use of a polarizer, this 90 degree rotation blocks the returning radiation from interfering with the source. The magnetic field of DILLON is applied externally by an external magnetic source at a predetermined constant field strength that, based upon the length and predetermined attributes of the waveguide, rotates the polarization angle by a predetermined fixed amount. This fixed rotation amount, when considering the forward and reverse propagation rotations, collectively define a 90 degree rotation.

The claims as pending are respectfully asserted to define a novel, non-obvious advance over the prior art of record. The undersigned respectfully asserts that this amendment could not have been related to the rejection as the rejection does not appear to address the claims as they are pending in this application. In view of the above amendment, the undersigned believes the pending application is in condition for allowance.

Dated: October 30, 2006

Respectfully submitted,

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